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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,575	11/09/2001	Hideji Kawasaki	011480	5837

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EXAMINER

PHAM, TUAN

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/986,575

Applicant(s)

KAWASAKI ET AL.

Examiner

TUAN A. PHAM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Applicant's remark, filed on 11/05/04, with respect to the rejection(s) of claim(s) 1-6 under 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made of Maloney (U.S. Patent No.: 6,453,169) in view of Callaghan et al. (Pub. No.: US 2005/0020305).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maloney (U.S. Patent No.: 6,453,169) in view of Callaghan et al. (Pub. No.: US 2005/0020305, hereinafter, "Callaghan").

Regarding claim 2, Maloney teaches a foldable portable communication terminal device (see figure 1) comprising a casing having a main body case and a lid case operably connected thereto (see figure 1, main body 12, flip 14, hinge 16) and having a power source circuit for supplying power to a device body (see figure 6, power supply 60, col.4, ln.66-67), an on/off circuit for turning on/off power supply from the power source circuit to the device body (see figure 10, power switch 112, col.5, ln.1-6), and a power supply control circuit for controlling operation of the on/off circuit (see figure 6, control circuit 50, col.5, ln.1-6), the casing having plurality of manual key so arranged on a position as to be depressed with the casing closed (see figure 4, power key 40, volume keys 36, col.4, ln.27-45), the power supply control circuit turning off the on/off circuit when the one of manual key are held depressed for at least the predetermined period of time (see col.5, ln.24-65).

It should be noticed that Maloney fails to teach the power supply control circuit turning off the on/off circuit when the plurality of manual key are simultaneously held depressed for at least the predetermined period of time. However, Callaghan teaches such features (see figure 3, scroll-down key 22, scroll-up key 24, [0060, 0082]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Callaghan into view of Maloney, in order to avoid to turn power off by accident.

Regarding claim 3, Callaghan further teaches the plurality of manual keys each are changed over between different functions depending on whether the casing is opened or closed (see figure 3, scroll-down key 22, scroll-up key 24, [0060, 0082]).

Regarding claim 4, Maloney further teaches the plurality of manual keys comprises two manual keys, the casing has a display exposed to the outside with the casing closed, and the two manual keys each perform a function of a volume up key or a volume down key for adjusting volume of incoming speech with the casing opened (see figure 3, volume keys 36, col.4, ln.27-32). Callaghan further teaches the keys each perform a function of a scroll up key or a scroll down key for scrolling the display with the casing closed (see figure 3, scroll-down key 22, scroll-up key 24, [0060, 0082]).

Regarding claim 5, Callaghan further teaches the casing having one or a plurality of keys so arranged in positions as to be operative by manual displacement into different operative positions depending upon whether the casing is in its opened state or in its closed state, the one or the plurality of manual keys each being operative to produce different functions depending on whether the casing is opened or closed (see figure 3, scroll-down key 22, scroll-up key 24, [0060, 0082]).

Regarding claim 6, Maloney further teaches a foldable portable communication terminal device wherein the casing has a display exposed to the outside with the casing closed, and two manual keys of the plurality of manual keys each performing a function of a volume up key or a volume down key for adjusting volume of incoming speech with the casing opened (see figure 3, volume keys 36, col.4, ln.27-32). Callaghan further teaches the two manual keys each perform a function of being a scroll up key or a scroll

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down key for scrolling the display with the casing closed (see figure 3, scroll-down key 22, scroll-up key 24, [0060, 0082]).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In order to expedite the prosecution of this application, the applicants are also requested to consider the following references. Although Wagner et al. (U.S. Patent No. 6,282,435), and Kim (Pub. No.: U.S. 2005/0085263) are not applied into this Office Action; they are also called to Applicants attention. They may be used in future Office Action(s).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tuan A. Pham** whose telephone number is (571) 272-8097. The examiner can normally be reached on Monday through Friday, 8:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz can be reached on (571) 272-7499 and

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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May 24, 2005
Examiner

Tuan Pham



HUYEN LE
PRIMARY EXAMINER